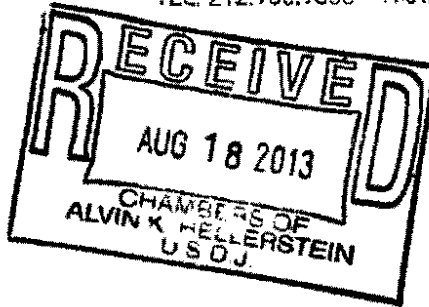


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August 19, 2013

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The Honorable Alvin K. Hellerstein
United States District Court for the
Southern District Court of New York
500 Pearl Street, Room 1050
New York, New York 10007

*The case. Def's motion against
that court shall be due Sep. 4,
2013; opp'n by Sep. 23; Reply by Sep. 30.
S. ordered
8-19-13*

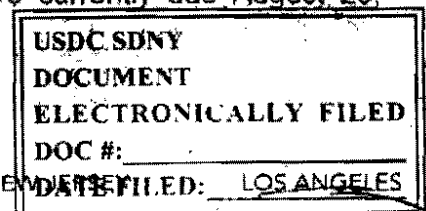
Re: Oxford Health Insurance, Inc. et. al. v. Daniel Hamner, M.D., et. al.
USDC/SDNY Case No.: 13 CV375 (AKH)

Dear Judge Hellerstein:

We represent defendants Daniel Hamner, M.D., Daniel Hamner Physician, P.C., Daniel Hamner, M.D., P.C., Richard Hamner, Erika Macbride, Raina Hamner and Rae Baymiller in the above-captioned matter. We write pursuant to Section 1(D) of your Individual Rules to request: (1) a stay of discovery in light of our clients' anticipated Rule 12(b) motion to dismiss Plaintiffs' Amended Complaint; (2) an additional seven (7) days to file our clients' motion; and (3) cancellation or adjournment of the August 30, 2013 status conference pending the outcome of the motion. We have not previously sought such relief. Co-defendant, Allan Christopher as Executor for the Estate of Anne M. Christopher, also intends to move to dismiss the Amended Complaint and joins in our requests, except that Mr. Christopher does not seek additional time to move. Plaintiffs do not consent to our requests.

Defendants' anticipated motions to dismiss may dispose of all of Plaintiffs' RICO claims, which are Plaintiffs' only claims under federal law. A stay of discovery while the motions are pending can avoid potentially unnecessary and costly discovery on claims that may ultimately be dismissed. As such, we believe it is most efficient and practical to stay discovery while the motions are pending. Furthermore, Plaintiffs will not be prejudiced by a stay because if the motions are denied, Plaintiffs will have a full and fair opportunity to conduct discovery.

Additionally, we ask that Your Honor grant the defendants an additional seven (7) days – until August 30, 2013 – to serve and file our motions to dismiss. Per the Court's Order dated July 30, 2013 (Document #35), responses to the Amended Complaint are currently due August 23, 2013.



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Oxford Health Insurance, Inc., et. al. v. Daniel Hamner, M.D., et. al.
USDC/SDNY Case No.: 13 CV 375 (AKH)
Page 2

Finally, if your Honor is inclined to grant a stay of discovery pending the outcome of the Rule 12(b) motions, we respectfully request that the August 30, 2013 status conference be canceled or adjourned until after disposition of the motions.

Thank you for your consideration.

Respectfully submitted,

KAUFMAN BERGEEST & RYAN LLP



Jonathan B. Bruno
Alex N. Niederman

cc: Michael H. Bernstein, Esq. (*via email*)
John T. Seybert, Esq. (*via email*)
Richard Pu, Esq. (*via email*)

KAUFMAN BERGEEST & RYAN LLP

Judge wrote:

“The motion for a stay is denied. The conference set for August 30, 2013 will proceed as scheduled. The parties shall exchange initial disclosures and begin discovery on all but the RICO aspects of the case. Defendants’ motion against that count shall be due Sep. 4, 2013; opposition by Sep. 23; reply by Sep. 30.

So Ordered.

8-19-13

Alvin K. Hellerstein”